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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,234	11/07/2001	Douglas F. Libra	BO1 - 0327US	6984
60483	7590	01/23/2008	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/008,234	LIBRA ET AL.	
	Examiner	Art Unit	
	BETH VAN DOREN	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 18-22, 33-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-22, 33-35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

Claims 1-7, 18-22, 33-35, and 37-38 are pending.

Declaration under 37 CFR 1.131

2. The declaration filed on 10/30/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Gauger (U.S. 2007/0192155) reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Gauger reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Further, the evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country.

In the current declaration under 37 CFR 1.131 sets out to establish conception and actual reduction to practice of the claimed invention prior to October 24, 2000. An Invention

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Disclosure is provided in an exhibit with a date built and a date satisfactorily tested, which are asserted as prior to October 24, 2000. Also associated with this Exhibit is a Supplier Test Web Site User's Manual. The applicant is attempting to overcome the Gauger reference, which is the secondary reference in a 35 USC 103 rejection, wherein the claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Pyron (Using Microsoft Project 98: Special Edition) in view of Gauger. The declaration is ineffective in overcoming the Gauger reference for the following reasons.

First, it is **not enough** to show prior possession of only what a secondary reference shows (if that reference does not teach the basic inventive concept). The Rule 131 showing must demonstrate prior possession of the basic inventive concept prior to the date of the secondary reference. "The primary consideration is whether, in addition to showing what the reference shows, the affidavit also establishes **possession** of either [1] the whole invention claimed or [2] something falling within the claim in the sense that **the claim as a whole reads on it** [i.e. all of the claim limitation read on it]." See, In re Tanczyn, 146 USPQ 298, 301 (CCPA 1965) In the current case, the affidavit attempts to show in the Supplier Test Web Site User's Manual support for possession of Test Scripts, viewing test status and details, test selection for viewing, entry of test results, as well as a section of submitting supplier issues within test phases and viewing the status of issues. However, the claimed invention is directed to performing tasks by parties, recording collaborative actions, recording issues and issue resolution, displaying status of the series of collaborative actions on a display, the display indicating tasks status (not started, in work, has completed), total number of actions in tasks, a percentage of actions completed, and a bar graph (claim 1). Therefore, it seems that what is show in the declaration only shows

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possession of the issue resolution piece of the claimed invention, and not the collaborative management of tasks and display of the rest of the claim as a whole.

Second, it seems to examiner that what is shown in the affidavit may be more directed towards the second embodiment presented in the specification on at least page 6, lines 5-15, to which withdrawn claims 9-17, 24-32, and 36 were directed.

Third, it is not clear and the declaration does not establish the relationship between the Invention Disclosure and Supplier Test Web Site User's Manual. The invention disclosure is mostly blacked out, but does state on the second page that a Users manual for Boeing is an enclosure. However, the declaration does not establish that the User's Manual is the same as the Supplier Test Web Site User's Manual, and specifically the new revision presented.

Finally, as per MPEP 2138.05, testing is required to establish an actual reduction to practice. The Invention Disclosure states that the invention was satisfactorily tested at a date prior to October 24, 2000. However, applicant has not established the nature of this testing, what specifically was tested, and under what conditions.

Thus, the declaration filed under 37 CFR 1.131 has been considered but is ineffective to overcome the rejections.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-7, 18-22, 33-35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pyron (Using Microsoft Project 98: Special Edition) in view of Gauger (U.S. 2007/0192155).

As per claim 1, Pyron teaches a method comprising: collaboratively performing a number of tasks by a plurality of parties, wherein each task requires a series of collaborative actions (See pages 565-6, 586, 926, wherein workgroups of members perform a number of tasks with actions, wherein the actions are cooperative. See pages 50-1, 126, 171, 173, 175, 177, wherein actions in phases of tasks influence the actions and tasks of others);

recording the series of collaborative actions into a script database (See pages 65, 171, 175-9, 125-7, 599-601, wherein the tasks and subtasks are stored in an order/script in the database);

displaying a status of the series of collaborative actions taken in each of the tasks (See 473, 484-6, 526-8, wherein status is displayed), wherein the status of each task may be simultaneously viewed by one or more of the plurality of parties (See 565-8, 575, 586-7, wherein the status can be viewed by workgroup members), and wherein displaying the status includes:

indicating two or more tasks including at least one of indicating whether a part has not started, is in work, or has been completed (See pages 484-6 and 526-8, wherein task status is displayed);

indicating a last action completed within each of the tasks that are in work (See at least pages 50-2, 484-6, 491-2, wherein the status of all tasks and subtasks (actions) is tracked and displayed, with the last action completed and other completions displayed);

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displaying a total number of actions in each of the tasks (See pages 50-1, 126, 171, 173, 175, 177, wherein tasks and subtasks (actions) are displayed);

displaying a percentage of the number of actions completed for each of the tasks (See pages 50-2, 484-6, 491-2, 526-8, 924, wherein percentage completion is displayed); and

for each task, displaying a bar graph having a shaded portion corresponding to a percentage of the assigned actions completed for each of the tasks (See pages 484-6, 491-2, 526-8, 924).

However, Pyron does not expressly disclose recording at least one issue and at least one issue resolution associated with at least one of the tasks into an issue database, wherein the at least one issue and the at least one issue resolution are inputted by a user.

Gauger discloses recording at least one issue and at least one issue resolution associated with at least one of the tasks into an issue database, wherein the at least one issue and the at least one issue resolution are inputted by a user (See paragraphs 7-8, 166, 172-174, 202, 220-1, wherein issues associated with a project and resolution of the issues are recorded by the system based on user input. See also paragraphs 65-6, 145, 170, and 209).

Both Pyron and Gauger disclose project management systems which coordinate between a plurality of individuals when scheduling a project. Gauger specifically discloses managing issues that arise during project management and resolving these issues and conflicts. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the recording of issues and resolutions into an issue database in order to more efficiently manage a collaborative project by allowing easier interaction between individuals regarding conflicts that arise. See paragraphs 6-8, 172-174, 202, 220-1, or Gauger.

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As per claim 2, Pyron teaches wherein said step of recording into the script database includes:

ordering each of the actions into a series of sequential steps (See pages 65, 171, 175-9, 125-7, 599-601, wherein the tasks and subtasks are stored in an order/script in the database sequentially); and

assigning an individual, group, machine, or combination thereof of one party to perform each of the actions (See pages 565-6, 586, 926, where people are assigned to the tasks. See also pages 251, 283, 285-7, 307).

As per claim 3, Pyron teaches wherein said step of recording into the script database further includes:

designating the dates that one or more actions will be performed (See pages 62-5, 134-6, 290, wherein dates are designated in the system); and that resources (i.e. workers) are located in various remote locations (See page 565, wherein the resources are at multiple locations).

However, neither Pyron nor Gauger disclose indicating the location where each of the actions is to be performed.

Pyron discloses designating the date and the resources that are assigned to the task, where the resources are located at various remote locations. Examiner takes official notice that it is old and well known in project management systems to specifically indicate the location where the various tasks will be performed in order to maintain comprehensive data about the project. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the location of where the task is being performed, such as the remote location of the human resource of Pyron, in order to more efficiently maintain comprehensive

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data concerning the project, thus allowing the project to be more efficiently organized. See pages 3-4.

As per claim 4, Pyron teaches wherein said step of recording includes inputting the script database into an electronic file (See pages 107-110 and 599-602).

As per claim 5, Pyron teaches wherein the step of displaying the status of the tasks is performed by providing access to the status via on or more web pages (See pages 440-2, 467, 575, wherein Microsoft Project is useable on the Internet and Web).

As per claim 6, Pyron teaches wherein displaying the status of the tasks includes displaying a chart, including a GANTT chart (See pages 50-3, 473, 484-6, 526-8, which discloses a Gantt Chart).

As per claim 7, Pyron teaches wherein displaying the status of the tasks further includes displaying an indication of the completion of actions assigned to the tasks (See pages 50-2, 484-6, 491-2, 526-8, 924, wherein percentage completion is displayed. Within the tasks (phases) there are subtasks (actions). See pages 65, 171, 175-9, 125-7, 599-601).

Claim 18 is substantially similar to the claim 1 and is therefore rejected using the same art and rationale set forth above. See also pages 440-2, 467, 575, of Pyron, which discloses the use of the Internet and Web. However, Pyron does not expressly disclose a web-page based input component configured to receive a series of collaborative actions of one or more tasks.

Gauger discloses a web-page and Internet based with input means for managing a collaborative project with tasks (See figure 1, abstract, paragraphs 8, 16, 22, 65, 100, and 126).

Pyron discloses that a series of collaborative actions of one or more tasks are input into the Project Management System. Pyron further discloses the use of the Internet and Web, and

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specifically allowing the schedule and messages to be shared via the Web and Internet. Gauger discloses a web-page and Internet based with input means for managing a collaborative project with tasks. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive the series of collaborative actions of one or more tasks via a web-page based input component in order to increase the usability of the system by allowing team members to access the system from remote locations.

Claims 19, 20, 21, and 22 are substantially similar to claims 2, 3, 7, and 6, respectively, and are therefore rejected using the same art and rationale set forth above.

Claim 20 is substantially similar to claim 3 and is therefore rejected using the same art and rationale set forth above.

Claim 33 is substantially similar to claim 18 and is therefore rejected using the same art and rationale set forth above.

Claim 34 is substantially similar to claims 2-3 and is therefore rejected using the same art and rationale set forth above.

Claim 35 is substantially similar to claim 6 and is therefore rejected using the same art and rationale set forth above.

As per claims 37-38, Pyron discloses a computer environment (See pages 440-2, 467, 575). However, Pyron does not expressly disclose and Gauger teaches displaying one of the at least one issue and the at least one issue resolution (See paragraphs 7-8, 166, 172-174, 202, 220-1, wherein issues associated with a project and resolution of the issues are recorded by the system based on user input. See also paragraphs 65-6, 145, 170, and 209).

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Both Pyron and Gauger disclose project management systems which coordinate between a plurality of individuals when scheduling a project. Gauger specifically discloses managing issues that arise during project management and resolving these issues and conflicts. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the recording of issues and resolutions into an issue database and the subsequent display of *one of* the at least one issue and the at least one issue resolution in order to more efficiently manage a collaborative project by allowing easier interaction between individuals regarding conflicts that arise. See paragraphs 6-8, 172-174, 202, 220-1, or Gauger.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parad (U.S. 5,369,570) discloses scheduling wherein conflicts are resolved in the schedule.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BETH VAN DOREN whose telephone number is (571)272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd

January 18, 2008


BETH VAN DOREN
PRIMARY EXAMINER